

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X
JEAN FAINBRUN,

CV-05-4364

Plaintiff,

-against-

AFFIDAVIT IN SUPPORT
OF CROSS MOTION FOR
SUMMARY JUDGMENT

SOUTHWEST CREDIT SYSTEMS, L.P.,

Defendant.

- - - - -X
STATE OF TEXAS)
) ss.:
COUNTY OF COLLIN)

JEFF HURT, being duly sworn, deposes and says:

1. I am the Chief Executive Officer of Southwest Credit Systems, L.P. (Southwest), which maintains its offices at 5910 West Plano Parkway, Suite 100, Plano, Texas, and as such I am fully familiar with the facts of this case.

2. I make this affidavit on the basis of my knowledge, my recollection and a review of the file materials maintained in the offices of Southwest.

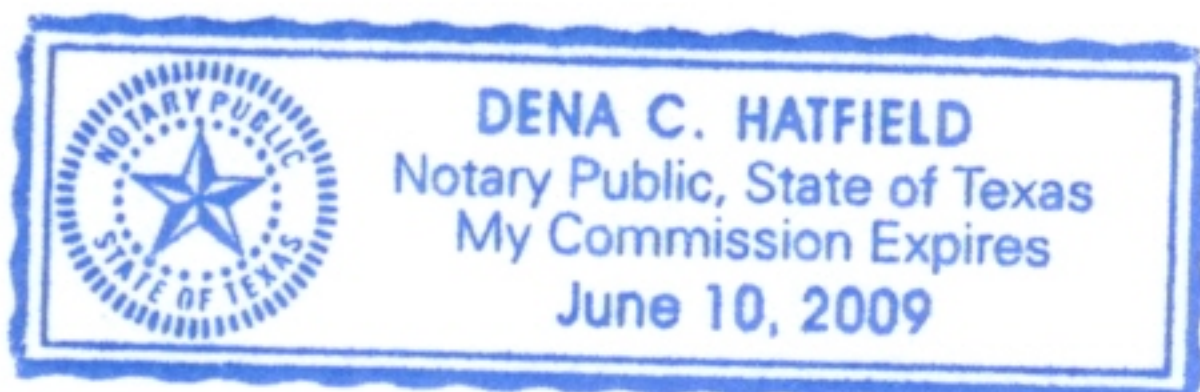
3. On or about February 11, 2005 T-Mobile referred plaintiff's account to Southwest for collection of an overdue debt.

4. Southwest sent correspondence to the plaintiff in an effort to collect the amount due. The second letter, sent by Southwest to the plaintiff, is dated March 16, 2005 and is the subject of the instant lawsuit.

5. The correspondence in question cautions the consumer that his account may be reported to the major credit reporting agencies, and Southwest regularly reports consumer debts for which it is responsible to collect to the major credit reporting agencies.

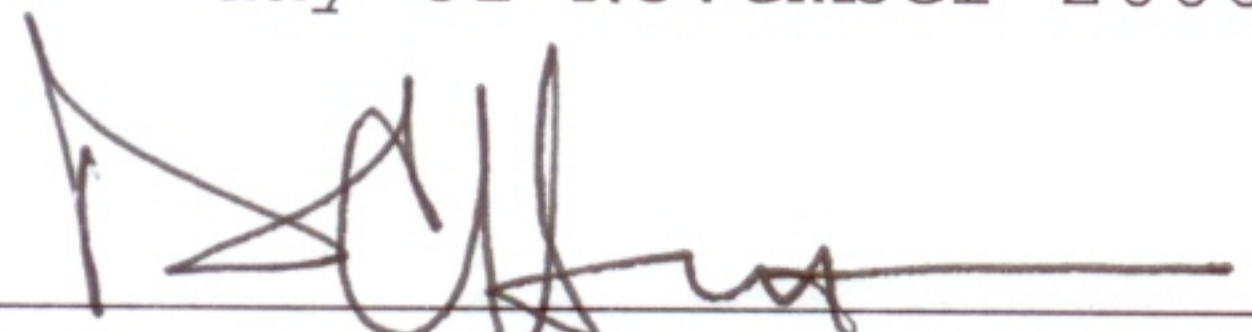
6. Plaintiff's account was reported to Equifax, Experian, and TransUnion on April 1, 2005 and subsequent updates were submitted on April 25, 2005, May 26, 2005, June 17, 2005 and July 11, 2005. This is consistent with the normal practice of Southwest, which is to regularly report the status of all consumer accounts being handled by it for purposes of collection.

7. The letter issued to plaintiff is in complete compliance with the Fair Debt Collection Practices Act. It contains no false representations nor utilizes any deceptive means to collect or attempt to collect a debt from plaintiff referred to Southwest for collection.




JEFF HURT

Sworn to before me this
day of November 2006.


Notary Public